

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

FILED

OCT - 4 2005

TERESA L. DEPPNER, CLERK
U.S. District & Bankruptcy Courts
Southern District of West Virginia

TERRY R. DURBIN,

Plaintiff,

v.

Civil Action No: 2:05-CV-00086

API OUTDOORS, INC., and its parent or
successor corporation, OUTLAND SPORTS, INC.,
and its parent or successor corporation,
BASS PRO SHOP, and its parent or successor
corporation, and WAL-MART STORES, INC.,
a foreign corporation,

Defendants.

PLAINTIFF'S RULE 26(A) DISCLOSURES

COMES NOW PLAINTIFF, Terry R. Durbin, by counsel and would pursuant to the
Federal Rules of Civil Procedure and this Court's Order file his 26(a) Disclosure:

26(a)(A): The name and, if known, the address and telephone number of each
individual likely to have discoverable information that the disclosing party may use to
support its claims or defenses, unless solely for impeachment, identifying the subjection of
the information.

Plaintiff verily believes that the following individuals may have discoverable information.

(1) Treating physicians:

1. Jackson General Hospital
Pinnell Street
P.O. Box 702
Ripley, WV 25271
2. Charleston Area Medical Center
3200 MacCorkle Avenue, SE
Charleston, WV 25304
3. Dr. James G. Gaal
Route 1, Box 61B
Ripley, WV 25271
4. WVU Physicians of Charleston
1201 Washington Street, East
Suite 208
Charleston, WV 25301
5. Thoracic & Cardiovascular Associates, Inc.
CAMC Medical Office Building, Suite 411
3100 MacCorkle Avenue, SE
Charleston, WV 25304

(2) Terry Durbin
1132 Flatwoods Road
Ravenswood, WV 26164
Plaintiff

(3) Pamela Durbin
1132 Flatwoods Road
Ravenswood, WV 26164
Plaintiff's wife

(4) Thomas Rocklen
1132 Flatwoods Road
Ravenswood, WV 26164
Plaintiff's son

(5) Thomas Durbin
Route 1, Box 38i
Ravenswood, WV 26164
Plaintiff's father

(6) Pamela Patterson
Route 1, Box 38i
Ravenswood, WV 26164
Plaintiff's sister

26(a)(B): A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

- (1) Tree stand
- (2) Medical and billing records
- (3) Employment records (salary)

26(a)(C): A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

Plaintiff would verify advise that specific liquidated damages include medical bills for services provided to plaintiff in addition to lost wages and general damages for pain and

suffering. Plaintiff is seeking to assemble all documents relating to the liquidated portion of damages and will provide defendants copies of the same when fully assembled.

26(a)(D): For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

None.

TERRY R. DURBIN
By Counsel



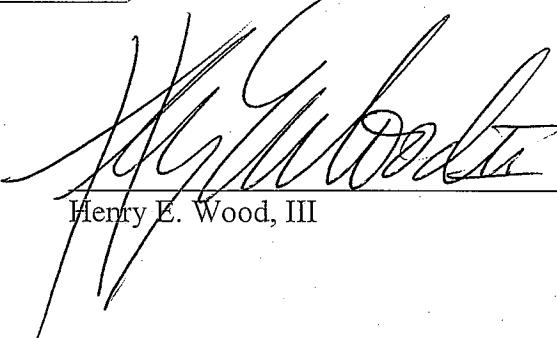
HENRY E. WOOD, III, ESQUIRE
WOOD LAW OFFICE, L.C.
3818 MacCorkle Avenue
P.O. Box 4448
Charleston, WV 25364
WV State Bar No.: 4117

CERTIFICATE OF SERVICE

I, Henry E. Wood, III, counsel for TERRY R. DURBIN, do hereby certify that I have served the foregoing, PLAINTIFF'S RULE 26(A) DISCLOSURES, by sending via facsimile and by mailing, postage prepaid, a true copy to the following address:

James D. McQueen, Jr., Esquire
Kelly C. Morgan, Esquire
McQueen, Harmon & Murphy, L.C.
P.O. Box 1831
Charleston, WV 25327-1831
Facsimile Number: 342-4277

Dated this 3 day of October, 2005.


Henry E. Wood, III